

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHARLES WILLY ALPINE, §
Harris County SPN # 00395168, §
Plaintiff, §
§
§
v. § CIVIL ACTION H-05-2782
§
§
SHERIFF TOMMY THOMAS, §
Defendant. §
§

MEMORANDUM ON DISMISSAL

Charles Willy Alpine, a Harris County Jail Inmate, has sued under 42 U.S.C. § 1983. Alpine seeks permission to proceed *in forma pauperis* under 28 U.S.C. § 1915. The Court DISMISSES this action because 28 U.S.C. § 1915(g) prohibits Alpine from bringing a prisoner civil rights suit without prepayment of the filing fees.

A national prisoner litigation index shows that Alpine has filed twenty-nine (29) other lawsuits in the federal district courts, including transfers. The index shows that the presiding district court dismissed at least five of these lawsuits as frivolous, malicious, or for failure to state a claim on which relief may be granted. *See Alpine v. Decker*, 4:92cv40212 (N.D. Fla. Oct. 28, 1992); *Alpine v. Lewis*, 4:92cv40320 (N.D. Fla. Nov. 10, 1992); *Alpine v. Dekker*, 4:92cv40297 (N.D. Fla. Nov. 10, 1992); *Alpine v. Legg*, H-93-1845 (S.D. Tex. Aug. 11, 1993); and *Alpine v. Casteel*, H-93-2007 (S.D.

Tex. Aug. 18, 1993). When Alpine filed each of these cases, he was incarcerated in a prison or a detention facility. The district courts dismissed each of these cases before Alpine filed this case.

Under 28 U.S.C. § 1915(g), a prisoner is not allowed to bring a civil action *in forma pauperis* in federal court if, on three or more prior occasions, while incarcerated, he brought an action or appeal which the court dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless he is under imminent danger of serious physical injury. *See Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996). Alpine's allegations here do not show that he is in danger of imminent serious bodily harm. *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

Accordingly, this case is DISMISSED under 28 U.S.C. § 1915(g). Alpine's motion to proceed *in forma pauperis* [Docket Entry No. 2] is DENIED.

SIGNED at Houston, Texas, on this 23rd day of August, 2005.



DAVID HITTNER

United States District Judge